

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS  
54111 BROUGHTON ROAD  
MACOMB, MICHIGAN 48042

PRESENT: JOHN D. BRENNAN, SUPERVISOR  
MICHAEL D. KOEHS, CLERK  
MARIE MALBURG, TREASURER  
TRUSTEES: JANET DUNN  
KENNETH MEERSCHAERT, JR.  
DINO F. BUCCI, JR.  
CHARLES OLIVER

ABSENT: NONE.

Also in attendance: Robert Siebert, Township Attorney  
Jerome R. Schmeiser, Community Planning Consultant  
David Lakin, Township Engineer Spalding DeDecker Associates.  
(Additional attendance record on file with Clerk)

Call Meeting to Order

1. Roll Call

Clerk KOEHS called the Roll. All members present.

2. PLEDGE OF ALLEGIANCE

3. Approval of Agenda Items (with any addendums)

**MOTION by BUCCI seconded by MALBURG to approve the agenda with the stated addendums.**

**MOTION carried.**

4. Approval of Bills

**MOTION by DUNN seconded by OLIVER to approve the bill run as presented.**

**MOTION carried.**

5. Approval of Meeting Minutes

**MOTION by OLIVER seconded by MALBURG to approve the revised meeting minutes of April 9, 2003 as submitted.**

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**MOTION carried.**

6. Department Monthly Reports
  - a. [ ] Macomb County Sheriff Department
  - b. [ ] Building Department
  - c. [ ] Fire Department
  - d. [ ] Water & Sewer Department
  - e. [ ] Parks & Recreation Department

**MOTION by KOEHS seconded by DUNN to approve the department monthly reports as a consent agenda item.**

**MOTION carried.**

7. Public Comments (Non Agenda items only - 3 minute time limit) None.

**PUBLIC HEARING:**

8. Street Lighting Request; The Bluffs of Beaufait Farms Subdivision; Located west of North Avenue and ¼ Mile North of Hall Road. David Weber, Petitioner. Section 35.

The Public Hearing began at 7:04 P.M.

Public Portion: None.

Supervisor BRENNAN reviewed the request.

Petitioner: David Weber not present.

The Public Hearing closed at 7:06 P.M.

**MOTION by KOEHS seconded by DUNN to approve the Street Lighting Resolution Request; The Bluffs of Beaufait Farms Subdivision; Located west of North Avenue and ¼ Mile North of Hall Road. David Weber, Petitioner. Section 35 as follows:**

SAD, Street Lighting The Bluffs of Beaufait Farms Subdivision

RESOLUTION ORDERING ESTABLISHMENT

OF STREET LIGHTING DISTRICT

Minutes of a regular meeting of the Township Board of the Township of Macomb, County of Macomb, Michigan, held in the Township Hall in said Township on APRIL 23, 2003, at 7:00 P.M., Eastern Standard Time.

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PRESENT: John D. Brennan, Michael D. Koehs, Marie E. Malburg, Dino F. Bucci, Jr., Charles Oliver, Janet Dunn, Kenneth Meerschaert, Jr.

ABSENT: None.

The following preamble and resolution were offered by Member OLIVER and supported by Member BUCCI.

WHEREAS, pursuant to 1989 PA 80 (the "Act"), the Township Board is empowered to establish a Special Assessment for the installation and maintenance of street lighting on its motion or upon the submission of petitions as prescribed in the Act; and

WHEREAS, the Township Board has determined that the installation of a street light or lights illuminating street serving lands described in Exhibit "A" is necessary to preserve the public health; and

WHEREAS, the Township Board desires to establish a Special Assessment District obligating the benefited owners to pay for the cost of installation and operation of street lighting; and

WHEREAS, a public hearing for the establishment of a Special Assessment District for street lighting was held coincident with this meeting and was prefaced by published and mailed notice as required by the Act and 1962 PA 162.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, MACOMB COUNTY, MICHIGAN:

1. It is hereby directed that a street light or lights shall be installed at The Bluffs of Beaufait Farms Subdivision, which will illuminate streets, serving and benefiting the lot(s) and/or parcel(s) of land described in Exhibit "A".
2. A Special Assessment District consisting of the lot(s) and parcel(s) described in Exhibit "A" is hereby established and the cost for installation of said street lights(s) and all future electrical service be levied against the parcel(s) and/or lot(s) so described in direct proportion to the benefit conferred.
3. The initial installation shall equal the sum of \$45,517.22, together with the first annual electrical service charge in the amount of \$5,017.21, the Township's at-large contribution is \$0.00.
4. The Township Board shall hereafter annually determine the amount to be assessed in the district for lighting and shall direct the assessor to levy this amount. The assessment may be made either in a special assessment roll or in a column provided in the regular tax roll. The assessment shall be spread and become due and be collected at the same time as the other Township taxes are assessed, levied and collected and shall be returned in the same manner for nonpayment.

AYES: OLIVER, BUCCI, DUNN, MEERSCHAERT, MALBURG, KOEHS, BRENNAN.

NAYS: NONE.

RESOLUTION DECLARED ADOPTED.

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MICHAEL D. KOEHS  
MACOMB TOWNSHIP CLERK

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**FOR THIS MOTION:** KOEHS, DUNN, MALBURG, OLIVER, BUCCI,  
MEERSCHAERT.

**OPPOSED:** NONE.

**ABSENT:** NONE.

**MOTION carried.**

**PLANNING COMMISSION:**

9. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 22 Mile Road and approximately ¼ mile east of Heydenreich Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-002.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: Janet Dunn, Township Board of Trustee Member and property owner stated her request to abstain from the vote due to a conflict of interest.

Petitioner: Macomb Township

**MOTION by BUCCI seconded by OLIVER to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 22 Mile Road and approximately ¼ mile east of Heydenreich Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-002.**

**MOTION carried.** *Trustee DUNN abstained.*

10. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 22 Mile Road and approximately 500 feet east of Heydenreich Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-010.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township

**MOTION by OLIVER seconded by KOEHS to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the south side of 22 Mile Road and approximately 500 feet east of Heydenreich Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-010.**

**MOTION carried.**

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11. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich and approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-014.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township.

**MOTION by OLIVER seconded by MALBURG to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich and approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-014.**

**MOTION carried.**

12. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich and approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-018.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township

**MOTION by KOEHS seconded by MALBURG to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich and approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-018.**

**MOTION carried.**

13. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich Road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-019.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township.

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**MOTION by KOEHS seconded by BUCCI to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich Road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-019.**

**MOTION carried.**

14. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich Road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-028.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township.

**MOTION by MALBURG seconded by MEERSCHAERT to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the east side of Heydenreich Road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-27-100-028.**

**MOTION carried.**

15. Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Heydenreich road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-28-200-017.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

Petitioner: Macomb Township.

**MOTION by KOEHS seconded by MALBURG to approve the Rezoning; Agricultural (AG) to Residential Urban One Family (R-1); Located on the west side of Heydenreich road approximately ¼ mile south of 22 Mile Road; Macomb Township, Petitioner. Permanent Parcel No. 08-28-200-017.**

**MOTION carried.**

Addition:

- 15a. Amendments to the Fence Ordinances

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Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

**MOTION by DUNN seconded by KOEHS to adopt the amendments to the fence ordinances as follows:**

*SUBDIVISION FENCE REGULATIONS*  
*As amended by the Macomb Township Board of Trustees, April 23, 2003*  
*Chapter 14*  
*PLANNING*  
*ARTICLE I. IN GENERAL*  
*ARTICLE II. RESIDENTIAL FENCE REGULATIONS*

*Sec. 14-21 Short Title.*

*This article shall be known and cited as the residential fence ordinance.*

*Sec. 14-22. Definitions. (no amendments proposed)*

*Sec. 14-23. Purpose.*

*The purpose of this article is to promote the safety, public health and general welfare of the present and future residents of the township by:*

- 1. Regulating, controlling and safeguarding the construction of fences in residential properties;*
- 2. (no amendments proposed)*

*Sec. 14-24. Scope.*

*This article shall apply to all residential fences. This article is intended to repeal provisions of any existing ordinances or township regulations which are in conflict with this article. Where this article imposes a greater restriction than is imposed by existing provisions of other laws, ordinances or regulations, the provisions of this article shall control.*

*Sec. 14-25. Permit requirements. (no amendments proposed)*

*Sec. 14-26. Fence types, dimensions and specifications.*

*(a) All residential fences shall be of an ornamental type. The types of fences that shall be specifically allowed are commonly known as chain link, cyclone, redwood, basket-weave, stockade, split rail, split-type fences and flat-top picket. Any board-type fence not included within the foregoing specifically allowed fences may be constructed as long as there are open spaces of at least three (3) inches between boards. Any other type of fence customary for residential use may be constructed if prior approval of the township building department is secured. Nothing in this section shall be interpreted as prohibiting privacy screens provided that each screen shall be no closer than four (4) feet from any side or rear property line and access for maintenance is approved pursuant to Sec. 14.26 (h).*

*(b) No fence or wall shall be more than eight (8) inches wide, including the width of the fence posts. Fences as further regulated herein may be six (6) feet high subject to the approval of the building department.*

*(c) no amendments proposed*

*(d) Fences shall be constructed of wood, metal or masonry and other acceptable materials, specifically excluding plastic interwoven weave designs. Only material which is new or is determined to be as structurally sound as new material shall be used in fences regulated herein.*

*(e) No person shall construct or cause to be constructed a barbed wire fence nor shall the tip of fence material be sharp or pointed, nor shall there be affixed any spike, nail or other pointed instrument of any kind or description to any fence except in the case of such fence as may be approved for a specific location by the zoning board of appeals; nor shall any fence be charged with electric current.*

*(f) A shrubbery fence may only serve as a privacy screen. Further, any use of shrubbery for screening purposes must be planted and regulated in accordance with Sec. 14-26(h). Shrubby fences do not require fence permits.*

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(g) *Fences around swimming pools shall be constructed pursuant to the Michigan Building Code (for commercial, apartments etc) and/or the Michigan Residential Code (for residences, both single family and site condominiums). Fences up to six (6) feet high may be constructed subject to the approval of the building department. Swimming pool enclosures (fences-screens) shall not be placed in any easement and shall be at least four (4) feet from any property line, and at least fifteen (15) feet from any street property line. Where the release mechanism of the self-latching device is located less than 54 inches (1372 mm) from the bottom of the gate, the release mechanism shall be located on the pool side of the gate at least 3 inches (76 mm) below the top of the gate, and the gate and barrier shall have no opening greater than 0.5 inch (12.7 mm) within 18 inches (457 mm) of the release mechanism.*

(h) *Privacy screens may be erected around cement patios, wood decks and other areas determined by the property owner. No such screen shall be located closer than four (4) feet to a side or rear lot line on interior lots. No such screens shall be located in front yards. It shall be the responsibility of the property owner to maintain the area between any privacy screen and an adjoining property line. There shall be a gated opening in any privacy screen to permit access for maintenance or the property owner shall demonstrate to the Building Official that access for maintenance will be available without a gated opening. Privacy screens may be erected to a height not to exceed the height of six (6) feet. No privacy screen shall be erected in any easement.*

(i) *Double fencing is strictly prohibited. No fence may be erected closer than four (4) feet to any other fence.*

*Sec. 14.27. Fence location.*

- (a) *Generally. Except as otherwise provided in this article, all fences shall be located on the lot line of the property. Posts of all fences shall be placed on the side of the lot line for the premises having the fence installed, and the junction of the posts and the facing material shall be on the lot line.*
- (b) *Front setback. No fences shall be constructed between the established building line and the front property line.*
- (c) *Corner residential lot setbacks.*
  - (1) *Front building line to property line. (No amendments proposed)*
  - (2) *Rear yard abutting a side yard. When a rear yard abuts a side yard, the minimum setback of a sight-obscuring fence shall be not less than fifteen (15) feet. Non-sight obscuring fences may be set back a minimum of one (1) foot provided that the fence shall not be placed in a triangular area formed by the side lot line and a line perpendicular to the side lot line and parallel to the rear lot line seven and one-half (7.5) feet outside the rear lot line; measuring twenty-five (25) feet along both such lot lines from the corner and a straight line connecting these points.*
  - (3) *When a rear yard abuts a rear yard where there is neither a side entrance garage nor any possibility of a side entrance garage being located on either lot sharing a rear property line, the minimum setback of a sight-obscuring fence shall be not less than fifteen (15) feet. Non-sight-obscuring fences may be placed at the property line from the front building line to the rear property line. If a side entrance garage exists or the building official determines that a side entrance garage may reasonably be expected to be constructed on either lot then the provisions of 14.27.(c) (5) shall apply.*
  - (4) *Privacy Screen. On a corner lot a privacy screen shall be regulated as a site-obscuring fence pursuant to the provisions of 14.27.(c)(5).*
  - (5) *Rear Yard abutting a rear yard with a side entrance garage: When a rear yard abuts a rear yard with a side entrance garage, the minimum setback of a sight-obscuring fence shall be not less than fifteen (15) feet. Non-sight-obscuring fences may be placed at the property line from the front building line to the rear property line. Except that no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the property line and the front building line of the garage closest to a rear yard and measuring twenty-five (25) feet along both lines. In addition, if the edge of the drive nearest to the front property line is in the rear yard setback no fence shall be placed in a triangular area formed by the side lot line adjoining the public street and the edge of a driveway between the side lot line*



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*and the front building line of the garage closest to the front yard and measuring twenty-five (25) feet along both lines.*

*(d) - no amendments proposed.*

*Section 14.27 Fence Location ( continued)*

*(e) Rear/Side yard abutting a public road. When a rear/side yard abuts a public road, defined as a Major Road in the Township Master Thoroughfare Plan, a minimum setback of all fences shall not be less than twenty-five (25) feet from the road right-of-way line as established by the Master Thoroughfare Plan.*

*Sec.14-28. Responsibilities.*

*(a) No amendments proposed*

*(b) No amendments proposed*

*(c) It shall be the responsibility of individual property owners to maintain the areas between property lines and any fence erected inside the property line. The property owner must demonstrate to the building official that there is unobstructed access to any area between a property line and a fence for maintenance of such areas pursuant to Township Ordinances.*

*Sec.14-29. Variances*

*(a) No amendments proposed*

*(b) No amendments proposed*

*(c) Any person may apply for such variance by requesting the variance in writing to the Zoning Board of Appeals (ZBA), stating fully and clearly the reasons for the request, including any supplemental information and data which may aid in the analysis of the proposed request.*

**MOTION carried.**

Addition:

15b. Proposed Amendments to the Macomb Township Zoning Ordinance

Jerome R. Schmeiser, Community Planning Consultant reviewed the request.

Public Portion: None.

**MOTION by KOEHS seconded by DUNN to adopt the amendments to the Macomb Township Zoning Ordinance as follows:**

*Township Of Macomb*

Macomb County, Michigan

Ordinance No. 10-

Proposed Amendments of the Township of Macomb

Zoning Ordinance (as recommended by Planning Commission)

Title

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An ordinance amending the Township of Macomb Zoning Ordinance, being Ordinance No. 10 of the Macomb Township Ordinances, as amended,  
THE TOWNSHIP BOARD OF THE TOWNSHIP OF MACOMB, COUNTY OF MACOMB, MICHIGAN  
ORDAINS:

Section 1. AMENDMENTS

The Zoning Ordinance for the Township of Macomb, being Ordinance No. 10 of the Township of Macomb Ordinances, is hereby further amended as follows:

ARTICLE II, DEFINITIONS, SECTION 10, Shall be AMENDED AS FOLLOWS:

REVISE the following paragraph to read as follows: 10.0202. Garage, private. An accessory building, attached or detached designed or used for the storage of motor driven vehicles owned and used by the occupants of the building to which it is accessory and which will not exceed 850 square feet.

ADD the following paragraph: 10.0202. Open Air Business Uses. Open air business uses shall include the following uses when the area set aside for outdoor display and or sales is equal to or greater than one-half the gross floor area of the principal building on the site. Greenhouses shall not be considered as principal buildings.

1. Retail sales of fruit, vegetables, and perishable foods not including farm produce sales as regulated pursuant to Section 10.0333 of this ordinance.
2. Retail sale of trees, shrubbery, flowers and seed not including farm produce sales as regulated pursuant to Section 10.0333 of this ordinance; topsoil, humus, fertilizer, trellises, lawn furniture, and other garden supplies and equipment.
3. Mobile home, motor home vehicle, farm implements, boats, trailers or home equipment sale or rental services.
4. Outdoor display and sale of garages, swimming pools, playground equipment and similar uses.

DELETE the following paragraph: 10.0202. ~~Nursery, plant material. A space, building or structure, or combination thereof, for the storage of live trees, shrubs or plants offered for retail sale on the premises, including products used for gardening or landscaping, the definition of nursery within the meaning of this ordinance does not include any space, building or structure used for the sale of fruit, vegetables or Christmas trees.~~

ARTICLE III, GENERAL PROVISIONS, Shall be AMENDED as follows:

SECTION 10.0323 A.5. c. Retail, other: Shall be amended to DELETE the following paragraph:

~~Nursery(plants): One (1) space per one hundred fifty (150) square feet of gross area of retail building plus one (1) space per three hundred (300) square feet of open air sales with a minimum of twenty (20) spaces.~~

SECTION 10.0323 A.5. c. Retail, other: Shall be amended to ADD the following paragraphs:

Open Air Business Uses as described in subparagraphs 1 and 2 of the definition for 'Open Air Business Uses' found in Section 10.0202: One (1) space per one hundred fifty (150) square feet of gross area of retail building plus one (1) space per three hundred (300) square feet of open air sales with a minimum of twenty (20) spaces.

Open Air Business Uses as described in subparagraphs 3 and 4 of the definition for 'Open Air Business Uses' found in Section 10.0202: One (1) space per one hundred fifty (150) square feet of gross area of retail building plus one (1) space per three hundred (300) square feet of open air sales with a minimum of twenty (20) spaces.

SECTION 10.0323 A.7. Shall be amended to read as follows:

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Wholesale or warehouse establishments- One (1) space per one thousand five hundred (1500) square feet of gross building, provided said building is located within a Warehouse (WH) District, area plus one (1) space per five hundred (500) square feet ~~one hundred (100) square feet of office space. with a minimum of ten (10) spaces.~~

ARTICLE IV. AGRICULTURAL DISTRICT, Shall be AMENDED AS FOLLOWS:

SECTION 10.0402 A. SHALL BE AMENDED TO READ AS FOLLOWS: General or specialized farming, truck gardening, greenhouses, ~~nurseries without year round sales operation~~ and fowl and rabbit raising, providing no killing shall be done on the farm other than of animals raised on the farm.

SECTION 10.0403 N. SHALL BE DELETED (including paragraphs 1- 6).

ARTICLE XVI. GENERAL COMMERCIAL DISTRICT (C-2), SHALL BE AMENDED AS FOLLOWS:  
SECTION 10.1602 B. 22 Nursery or greenhouse. SHALL BE DELETED

SECTION 10.1603 B. 28 SHALL BE AMENDED TO READ AS FOLLOWS: Outdoor sales in conjunction with a permanent building where the use is permitted and /or approved under Section 10.1602 or 10.1603 of this Article. Further, the area designated for outdoor sales and or display of product shall be limited to the area designated on the plan approved by the Planning Commission.

SECTION 10.1603 B. 36 SHALL BE ADDED to read as follows: Open Air Business Uses provided that the following minimum standards are complied with:

- a. Any parcel to be developed under this Section of the Ordinance shall provide a fifty (50) foot setback area separating open air sales or display area(s) or the parking of private passenger vehicles from any property zoned R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, O-1, O-2, C-1, C-2, C-3, MTC, or AG. Further, the fifty (50) foot setback area must be developed as a greenbelt approved by the Planning Commission. Active growing beds may be utilized for the setback area if approved by the Planning Commission.
- b. The open storage of mulch, manure, woodchips, loose stone or other similar materials, paving block, lumber or fire wood, may be located no closer than one hundred-fifty (150) feet from any property line zoned R-1-S, R-1, R-1-E, R-2-L, R-2, R-2-H, R-3, CF, O-1, O-2, C-1, C-2, C-3, MTC, or AG.
- c. No sales or display of product may be permitted except within the area(s) designated on the site plan as approved by the Planning Commission.

**MOTION carried.**

**NEW BUSINESS:**

16. Recognition of the Michigan Township Association MTA celebrating its 50th.

Clerk KOEHS reviewed the drafted recognition awarded to Trustee Member Janet Dunn.

**MOTION by DUNN seconded by BUCCI to adopt the drafted recognition awarded to Trustee Member Janet Dunn as submitted.**

**MOTION carried.**

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Add-On

16a. Adoption of Telecommunications Resolution

Supervisor BRENNAN reviewed the request.

**MOTION by OLIVER seconded by KOEHS to adopt the Telecommunication  
Resolution as follows:**

MACOMB TOWNSHIP  
MACOMB, COUNTY, MICHIGAN  
TELECOMMUNICATIONS RIGHTS - OF - WAY RESOLUTION  
ADOPTED ON APRIL 23, 2003

WHEREAS, the Metropolitan Extension Telecommunications Rights – of – Way Oversight Act, Act No. 48 of Public Acts of 2002 (“Metro Act”) provides regulations governing the issuance of permits by Macomb Township (“Township”) to telecommunication providers for their access to and ongoing use of the public rights-of –way within the Township; and

WHEREAS, the telecommunication providers using or seeking to use the public rights-of-way within the Township for their telecommunication facilities are required by the Metro Act to obtain a permit from the Township and pay all required fees; and

WHEREAS, the Metro Act generally requires telecommunication providers to pay the Metropolitan Extension Telecommunications Rights-of-Way Oversight Authority (“Authority”) an annual fee; and

WHEREAS, the annual fees collected by the Authority are to be distributed to cities, villages and townships with the Township receiving from the Authority its share as allocated under the Metro Act; and

WHEREAS, the Township must comply with the Metro Act in order to be eligible to receive its allocated share of the annual fees collected by the Authority.

NOW, THEREFORE, BE IT HEREBY RESOLVED:

1. The Township has been in compliance with the Metro Act from its inception on November 1, 2002 and will continue to comply with the Metro Act.
2. The Township, pursuant to the Metro Act, modifies any and all fees applicable to telecommunication providers use of the public rights-of-way to require such telecommunication providers to pay only those fees required under Section 8 of the Metro Act; reserving any rights the Township may have to fees due for the period ending October 31, 2002. If Section 8 is found to be invalid or unconstitutional this modification of fees is void from the date of the modification.
3. The Township shall not hold a cable television operator in default or seek any remedy for failure to satisfy an obligation, if any, to pay after November 1, 2002, a franchise fee or other similar fee on that portion of gross revenues from charges the cable operator received from cable modem services provided through broadband internet transport access services while reserving any right the Township may have to such fees due for the period ending October 31, 2002.
4. The Township Clerk shall send a copy of this Resolution to all telecommunication providers using the public rights-of-way within the Township.
5. All Resolutions or portions of Resolutions in conflict herewith are hereby repealed.

Motion was made by OLIVER and supported by KOEHS to adopt the foregoing resolution.

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Upon roll call vote the following voted "aye": Charles Oliver, Michael D. Koehs, Marie Malburg, Janet Dunn, Dino F. Bucci Jr., Kenneth G. Meerschaert Jr., John D. Brennan.

The following voted "nay": None.

The Supervisor declared the motion passed and the Resolution adopted.

CERTIFICATE OF TOWNSHIP CLERK

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a meeting of the Macomb Township Board held at the Macomb Township Hall on April 23, 2003, that the meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of the Resolution; and that minutes of the meeting were kept and will be or have been made available as required by the Open Meetings Act.

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By: Michael Koehs  
Macomb Township Clerk

**MOTION carried.**

**OLD BUSINESS:**

17. Extension of Time; Tentative Preliminary Plat; Rockwood Subdivision No. 3; Located north of 21 Mile Road and 120 feet east of Rockwood Drive. Permanent Parcel No. 08-28-376-008.

Supervisor Brennan reviewed the request.

**MOTION by DUNN seconded by MALBURG to approve the Extension of Time; Tentative Preliminary Plat; Rockwood Subdivision No. 3 ; Located north of 21 Mile Road and 120 feet east of Rockwood Drive. Permanent Parcel No. 08-28-376-008. Expiration Date June 14, 2004.**

**MOTION carried.**

18. Sanitary Sewer Diversion Study; Located on the south side of 24 Mile Road east of Card Road. Spalding DeDecker & Associates; Permanent Parcel No. 08-14-200-003.

David Lakin, Township Engineer, Spalding DeDecker & Associates reviewed the April 9, 2003 letter regarding the Sanitary Diversion Study – Parcel No. 08-14-200-003. Spalding DeDecker & Associates SDA Job No. MA02-026.

Public Portion: None.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

**MOTION by BUCCI seconded by OLIVER to approve the Sanitary Sewer Diversion Study; Located on the south side of 24 Mile Road east of Card Road. Spalding DeDecker & Associates; Permanent Parcel No. 08-14-200-003. This motion is contingent upon the posting of the Total Project Cost of Five Hundred Nineteen Thousand Four Hundred Eighty dollars and 00/100 (\$519,480.00) as submitted.**

**MOTION carried.**

19. Request for Wall Sign Bond Return; Farmer Jack; Located on the northeast corner of Hall Road and Hayes Road; Section 31. Address: 45300 Hayes Road Permanent Parcel No. 08-31-300-011.

Supervisor BRENNAN reviewed the request.

**MOTION by KOEHS seconded by DUNN to approve the Request for Wall Sign Bond Return; Farmer Jack; Located on the northeast corner of Hall Road and Hayes Road; Section 31. Address: 45300 Hayes Road Permanent Parcel No. 08-31-300-011. Cash Bond Posted January 16, 2003. Receipt No. 4059. Bond amount One Thousand dollars and 00/100 (\$1,000.00).**

**MOTION carried.**

20. Request for Christmas Trees Sales Bond Return; John Siciliano; Located on the northwest corner of Hall Road and Romeo Plank Road. Permanent Parcel No. 08-32-476-012 (part of).

Supervisor BRENNAN reviewed the request.

**MOTION by DUNN seconded by KOEHS to approve the Request for Christmas Trees Sales Bond Return; John Siciliano; Located on the northwest corner of Hall Road and Romeo Plank Road. Permanent Parcel No. 08-32-476-012 (part of).**

**Cash Bond Posted November 17, 1999. Receipt No. 57444. Bond Amount One Hundred dollars and 00/100 (\$100.00).**

**MOTION carried.**

21. Request for Water Services Bond Return; Southfork Estates Subdivision; Located north of 21 Mile Road and west of Card Road. Section 27.

Supervisor BRENNAN reviewed the request.

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

**MOTION by KOEHS seconded by OLIVER to approve the Request for Water Services Bond Return; Southfork Estates Subdivision; Located north of 21 Mile Road and west of Card Road. Section 27. Bond Amount Thirty Two Thousand dollars and 00/100 (\$32,000.00).**

**MOTION carried.**

22. Request for Model Permits; Castle Mar Subdivision; Lot Nos. 1, 2, 6, and 99.  
Section 15.

Petitioner: Simone Mauro, present.

Supervisor BRENNAN stated that Castle Mar Subdivision has received Final Plat approval. Mr. Brennan stated once you have Final Plat approval model permits are not necessary. Mr. Brennan also stated model permits are normally given after Final Preliminary Plat approval. Mr. Brennan further stated that permits cannot be pulled until the completion of the landscape easement. Mr. Brennan stated due to time and weather the petitioner was unable to complete the Landscape Easement and stated the petitioner will need a Variance from the Land Division Ordinance regarding the Landscape Easement. Mr. Brennan stated the Township Ordinance requires that the Planning Commission Board must first review the Ordinance request and make their recommendation and actions. Mr. Brennan stated the Township Board of Trustees does not have any jurisdiction regarding this issue at the current time. Mr. Brennan and Robert Siebert, Township Attorney held further discussion regarding the procedures with the petitioner.

**MOTION by KOEHS seconded by OLIVER to dismiss the request for Model Permits; Castle Mar Subdivision; Lot Nos. 1, 2, 6 and 99 and forward the Land Division Ordinance that deals specifically with the Landscape Easement for Castle Mar Subdivision as discussed to the Planning Commission Board for review and recommendation.**

**MOTION carried.**

**BUILDING DEPARTMENT:**

23. Family Medical Leave Request.

Supervisor BRENNAN reviewed the medical condition of employee Jim Smith, a Building Department Inspector.

**MOTION by MEERSCHAERT seconded by KOEHS to approve the request of Family Medical Leave granting increments of half-days or less dating back to March 27, 2003 for Township Employee Jim Smith as discussed.**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

**MOTION carried.**

**PARKS AND RECREATION:**

24. Community Center Bid Awards

Mr. Salvatore DiCaro, Parks & Recreation Director reviewed the request.

**MOTION by DUNN seconded by KOEHS to award the bid for Glass & Glazing (2J) to Huron Valley Glass in the amount of Three Hundred Seventy Two Thousand Two Hundred Seventy Seven Dollars and 00/100 (\$372,277.00) as submitted.**

**MOTION carried.**

Addition:

- 24a. Parks & Recreation Master Plan Approval.

Jerome R. Schmeiser, Community Planning Consultant reviewed the request. Mr. DiCaro thanked Jerome R. Schmeiser & Jack Daily, Community Planning Consultants, for their time and work on the development of the Master Plan.

**MOTION by OLIVER seconded by MALBURG to approve the Parks & Recreation Master Plan as submitted.**

**MOTION carried.**

**WATER/SEWER DEPARTMENT:**

25. Easement Encroachment Agreement, Derek M. & Dana L. Shoaff, 49807 LaBaere Drive, Macomb, MI 48044, Lot 19, Middle River Subdivision.

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by OLIVER seconded by MEERSCHAERT to approve the Easement Encroachment Agreement, Derek M. & Dana L. Shoaff, 49807 LaBaere Drive, Macomb, MI 48044, Lot 19, Middle River Subdivision. Permanent Parcel No. 08-21-302-019.**

**MOTION carried.**

26. Easement Encroachment Agreement, Grant V. & Tammie L. Schwartz, 55509 Nile Way Drive, Macomb, MI 48042, Lot 383, The Rivers Subdivision # 3.

David Koss, Water & Sewer Department Superintendent reviewed the request.



MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

**MOTION by MALBURG seconded By MEERSCHAERT to approve the Easement Encroachment Agreement, Grant V. & Tammie L. Schwartz, 55509 Nile Way Drive, Macomb, MI 48042, Lot 383, The Rivers Subdivision # 3. Permanent Parcel No. 08-06-406-008.**

**MOTION carried.** *Trustee Member Bucci abstained.*

27. Temporary Cement Batch Plant Operations Request, Tony Angelo Cement Construction Company.

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by OLIVER seconded by BUCCI to approve the Temporary Cement Batch Plant Operations Request, Tony Angelo Cement Construction Company as submitted. Location of what will be Buckingham Village No. 2 Subdivision. Granted from April 28, 2003 and to expire on June 28, 2003 as submitted.**

**MOTION carried.**

28. Temporary Cement Batch Plant Operations Request, John Carlo Incorporated  
A. The Parcels at Riverside

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by MLABURG seconded by BUCCI to approve the Temporary Cement Batch Plant request for the Parcels at Riverside, John Carlo Incorporated, Petitioner. Granted sixty (60) days as submitted.**

**MOTION carried.**

28. Temporary Cement Batch Plant Operations Request, John Carlo Incorporated  
B. West Wood Point Subdivision

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by OLIVER seconded by MALBURG to approve the temporary batch plant operations request for the West Wood Point Subdivision, John Carlo Incorporated, Petitioner. Granted sixty (60) days as submitted.**

**MOTION carried.**

28. Temporary Cement Batch Plant Operations Request, John Carlo Incorporated  
C. Twin Rivers Subdivision

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

Supervisor BRENNAN stated the matter will be tabled until the petitioner resolves all questions and issues with the Drain Crossing with the Department of Environmental Quality.

29. Request for Temporary Summer Employment

David Koss, Water & Sewer Department Superintendent reviewed the request.

Supervisor BRENNAN reviewed the request with Mr. Koss noting that one individual will work indoors and the remaining two individuals will be assigned to outdoor work.

**MOTION by DUNN seconded by KOEHS to approve the request for three (3) temporary summer employees for the Water & Sewer Department as discussed.**

**MOTION carried.**

30. Approval of Purchase Requisitions:  
A. SLC Meter Service Inc.

David Koss, Water & Sewer Department Superintendent reviewed the request.

**MOTION by KOEHS seconded by DUNN to approve the purchase requisition SLC Meter Service Inc. total cost of Sixteen Thousand Six Hundred Thirty Three dollars and 00/100 (\$16,633.00) as submitted.**

**MOTION carried.**

**BOARD COMMENTS:**

**SUPERVISOR COMMENTS:**

Addition:

31. Request to install Security Camera at the Township Fire Stations

Supervisor BRENNAN held further discussion regarding the issues involved with the Fire Stations.

**MOTION by KOEHS seconded by BUCCI to proceed and move forward on the request to install Security Cameras for the Macomb Township Fire Stations as discussed.**

**MOTION carried.**

**ADJOURNMENT**

MACOMB TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING HELD ON  
WEDNESDAY APRIL 23, 2003  
AT 7:00 P.M.

MOTION by MEERSCHAERT seconded by OLIVER to adjourn the meeting at 7:53  
P.M.

MOTION carried.

Respectfully,

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John D. Brennan, Supervisor

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Michael D. Koehs, Clerk  
Gabrielle M. Baker, Recording Secretary  
MDK/gmb